

**TITLE:** LESS LETHAL WEAPONS

**CODIFIED:** 73.1

**EFFECTIVE:** 09/01/09

**PAGES:** 5

### PURPOSE

To establish procedures for the availability and use of the expandable baton, OC Spray, M-26 Taser.

Less Lethal weapons are not intended to be an alternative to the use of deadly force when such use is clearly authorized and necessary.

Less Lethal options for the Espanola Police Department may vary as to their availability. The least intrusive level of force should be deployed based upon the facts/circumstances for each individual incident.

### DISCUSSION

Discussed in this directive will be the type of less than lethal weapons that are authorized by the Espanola Police Department.

### POLICY

Officers of the Espanola Police Department shall use physical force only when necessary for legitimate law enforcement purposes and only to the extent necessary to accomplish those purposes. To such an end, the use of the expandable baton, Oleoresin Capsicum (OC) spray, M-26 Advanced Taser, are authorized to provide officers with an alternative to the use of deadly force, when appropriate.

### PROCEDURE

#### BATON

73.1.01 The Department issued expandable baton is the only authorized baton for use by sworn departmental personnel.

- A. The expandable baton shall be issued and carried only by officers who have completed the Department's baton training.
- B. Uniformed Officers assigned regular field duties will carry the baton as part of required equipment.
- C. Plain clothes and administrative officers will be required to have the baton readily accessible, in their police vehicles while on duty.
- D. Officers are responsible for ensuring the baton is in good condition. Broken or otherwise unserviceable batons will be replaced as soon as a defect is noted.
- E. The baton is to be used as a defensive weapon only. Its use shall be governed by departmental training criteria and the use of force policy.
- F. Use of the baton as an offensive weapon, or intentional misuse of the baton, may subject the violator to disciplinary action.
- G. The baton shall remain in the holster until such time as the officer perceives an apparent threat.

### BATON TRAINING

#### 73.1.02 Initial Certification

- A. All officers shall satisfactorily complete a 10-hour certification course on the Use of Force, use and application of the baton, prior to receiving authorization to carry the weapon.

#### 73.1.03 Annual Certification

- A. All officers shall attend a four-hour re-certification course annually on the use and application of the baton.

### Oleoresin Capsicum (OC) Spray

#### 73.1.04 Initial Certification

# Exhibit N

A. All officers shall satisfactorily complete a 4 hour certification course on the use of force, use and application of OC Spray prior to receiving authorization to carry OC Spray.

#### 74.1.05 Bi-annual Certification

A. All officers shall receive refresher training every two years on the use and application of OC Spray.

**73.1.06** OC Spray shall be issued to and used only by officers who have completed the Department's OC Training

**73.1.07** OC Spray is not intended to be an alternative to the use of deadly force when such use is clearly authorized and necessary.

**73.1.08** When all reasonable efforts have failed to calm a person who is acting violently and presenting a definite danger to himself or others, a minimum stream may be fired at the person in accordance with the manufacturers recommendations and departmental training received.

**73.1.09** The OC Spray may be used to terminate violent behavior, or the threat of violent behavior, or to aid in the apprehension of a person who resists custody, which could result in injury to the officer, other persons, or the violent individual.

**73.1.10** OC Spray should not be discharged in the immediate vicinity of an infant, unless the infants life is in danger, since their respiratory system is developing and especially sensitive to irritating vapors.

**73.1.11** OC Spray will normally be discharged from a distance of at least six (6) feet. Bursts any at any closer than three (3) feet may cause eye damage and should only be used in extreme conditions where serious bodily harm to the officer or other persons may be imminent.

**73.1.12** Only under conditions which represent an extreme hazard (Potential threat of serious injury or death to the officer or others) will the OC Spray be used in the following manner:

- A. Prolonged discharge at any effective distance into the face of a person already incapacitated or not responding to normal application of the chemical agent formulation who is continuing an assault which may result in serious injury.
- B. Discharge of large quantities of the chemical irritant in a confined space such as a small room or closed automobile.
- C. Discharge OC Spray in close proximity of an infant.

#### TASER

**73.1.13** It is the policy of the Espanola Police Department to utilize the Taser on individuals who:

- A. An officer has probable cause to believe have committed a violent felony and are attempting to avoid apprehension.
- B. Armed with a deadly weapon and/or has the ability to inflict bodily harm on another.
- C. Are fleeing to avoid being served with an arrest warrant, and pose a threat of injury to the officer other persons, or the individual.
- D. An officer has probable cause to believe person(s) have committed a crime and use is necessary to effect arrest and the individual is physically resisting arrest.
- E. Need to be restrained for their safety.
- F. Are attempting to actively resist or batter an officer.
- G. Are physical threats to the safety of another.

**73.1.14** Taser users shall adhere to all warnings as outlined in Taser Certification.

**73.1.15** In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. Officers should assess the situations where force is warranted. Officers shall use only that force which is reasonably necessary to effect lawful objectives.

73.1.16 Officers will be trained and familiarized with the Reactive Control Model prior to use of a Taser.

#### TASER TRAINING

**73.1.17 Initial Certification**

A. All officers, whether pre-certified or not, shall satisfactorily complete the department certification course on the use and application of the Taser, prior to receiving authorization to carry the weapon. Training will be a minimum of 6 hours with a voluntary exposure for a five (5) second cycle of the taser.

**73.1.18 Annual Certification**

1. All officers shall attend a four-hour re-certification course annually on the use and application of the Taser.

#### DOCUMENTATION

**73.1.19 It shall be the Policy of the Espanola Police Department to document any use of the Taser:**

**A. On duty Field Deployment:**

1. Espanola Police Department Offense Incident Report
2. Espanola Police Department Use of Force report
3. Taser User Report
4. Photograph
5. If a Taser cartridge is deployed it shall be submitted as evidence as outlined in Taser Training. Probes will be disposed of properly in a marked Biohazard container
6. Officer will update User Log

**B. Taser Function Test(s):**

Officer will update copies of log forwarded to the Office of Chief of police on the first Monday of each month.

**C. Training:**

1. It shall be the responsibility of the Taser Instructor to document the following information when conducting training:
  - a. Serial number of Taser(s) utilized
  - b. All Taser Cartridges Deployed
  - c. Date and Times of Training
  - d. Personnel who attended

**73.1.20 Copies of all Taser uses will be forwarded to the Office of the Chief and/or his designee for tracking and review.**

#### DEFINITIONS

**73.1.21 TASER**

A. Less-lethal Conducted Energy Weapons that use propelled wires to conduct energy to a remote target, thereby controlling and affecting the central nervous system of the body.

Conducted Energy Weapons are effective because they affect the central nervous system of the human body. The human nervous system communicates by means of simple electrical impulses. The Taser sends out short duration, high voltage electrical waves or Taser-Waves or T-Waves that overpower the normal electrical signals within the nerve fibers.

B. Electro-Muscular Disruption (EMD)-EMD systems override the central nervous system and take direct control of the skeletal muscles. The Taser is an EMD system and affects the sensory and motor nervous system. The EMD systems directly cause the muscles to contract. Hence, even someone whose sensory nervous system is impaired by

drugs or alcohol will have involuntary muscle contractions.

The Taser utilizes a 26-watt system with an electrical output of 50,000 volts.

**37/40 MM PROJECTILE BATON AND/OR 12 GAUGE BEAN BAG**

E. 73.1.22 VACANT

73.1.23 VACANT

73.1.24 VACANT

**37/40 MM Projectile Launcher and/or 12 ga. Beau Bag Round Training**

73.1.25 Initial Certification

A. VACANT

B. VACANT

C. VACANT

**MEDICAL TREATMENT**

73.1.26 BATON

- A. Medical treatment procedures as outlined in the Use of Force directive shall be followed.
- B. First aid shall be rendered by paramedics and/or trained medical personnel.
- C. After the subject is treated, the officer will obtain a signed medical release form from the attending physician for Detention Center personnel.
- D. Failure to provide appropriate care after exposing a person to a baton strike is considered a violation of this policy.
- E. After-action photographs shall be taken of any individuals subjected to this measure.

73.1.27 OC SPRAY

A. Medical treatment procedures as outlined in the Use of Force directive shall be followed.

B. The contaminated area will be flushed with water.

1. The time between OC exposure and wash-up should be as soon as possible.

C. No officer shall apply, nor permit another person to apply oil or grease medications such as butter, cold cream, lanolin, Vaseline, lotion or salves which could trap the irritant to the skin and thereby cause blistering unless authorized by a physician.

D. Exposed areas should not be bandaged; the areas should be exposed to fresh air for evaporation.

E. Upon exposing a person to the OC Spray the officer will request Emergency Medical Technicians or Paramedics to the scene. The person exposed will be transported to the Hospital Emergency Room. The paramedics will assess the subject on scene and make the determination to transport by ambulance or by the officer. Prior to arriving at the Emergency Room, the officer will request dispatch notify hospital staff that a person contaminated with OC Spray is being transported.

F. After the subject is treated, the officer will obtain a signed medical release form from the attending physician for Detention Center personnel.

G. Upon arrival at the Detention Center the officer will notify jail staff that the subject and his/her clothing has been contaminated with OC Spray.

H. Failure to provide appropriate care after exposing a person to OC Spray is considered a violation of this policy.

I. After-action photographs shall be taken of any individuals subjected to this measure.

**73.1.28 TASER**

A. Medical treatment procedures as outlined in the Use of Force directive shall be followed.

**B.** The affected area will be:

1. Checked by User as soon as safely possible and first aid rendered to the users level of training.
2. If Probes are discharged and penetrate the skin the User may remove the probes as outlined in Department training.
  - a. Photographs should be taken before and after removal.

**C.** First aid shall be rendered by paramedics and/or trained medical personnel.**D.** Upon exposing an individual to the Taser in the Taser/stun mode the officer will request Emergency Medical Technicians or Paramedics to the scene. The paramedics/EMT's will assess the subject on scene, remove the probes and make the determination to transport by ambulance or by the officer, if required.**E.** After the subject is treated, the officer shall obtain a signed medical release form from the attending physician for Detention Center personnel.**F.** Failure to provide appropriate care after exposing a person to the Taser is considered a violation of this policy.**G.** After-action photographs shall be taken of any individuals subjected to this measure.**73.1.29** 37/40 mm Projectile and/or 12 Gauge Beau Bag**A.** Medical treatment procedures as outlined in the Use of Force directive shall be followed.**B.** The affected area will be:

1. Checked by User as soon as safely possible and first aid rendered to the users level of training.

- a. Photographs should be taken as soon as possible.
- C. First aid shall be rendered by paramedics and/or trained medical personnel.
- D. Upon exposing an individual, the officer will request Emergency Medical Technicians or Paramedics to the scene. The person exposed may be transported to the Hospital Emergency Room. The paramedics will assess the subject on scene and make the determination to transport by ambulance or by the officer.
- E. After the subject is treated, the officer will obtain a signed medical release form from the attending physician for Detention Center personnel.
- F. Failure to provide appropriate care after exposing a person to the projectile baton or beanbag is considered a violation of this policy.

**REPORTING**

**73.1.30** Officers will photograph the person's affected area as soon as possible, under normal circumstances whenever a less lethal weapon is deployed.

**73.1.31** A use-of-force form shall be completed and submitted to the Office of the Chief of Police any time the expandable baton, OC Spray, Taser, is utilized as a weapon. Use-of-force forms will be completed and submitted in accordance with the use of force policy.

**73.1.32** All additional deployment forms will be completed and submitted to the Office of the Chief of Police and/or to their appropriate tracking unit, I.E. Offense Incident, Criminal Complaints/Probable Cause Statements, and Taser Use Report.

**73.1.33** Video recordings and/or photographs shall be submitted to the property section as evidence.

Drafted (rgb) 07/09